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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,293

03/31/2006

Zhi Wang

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12/15/2008

INTEL/BSTZ

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EXAMINER

BENGZON, GREG C

ART UNIT

PAPER NUMBER

2444

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,293	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> GREG BENZON	<b>Art Unit</b> 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been examined. Claims 1-22 are pending.

#### ***Priority***

This application claims benefits of priority from PCT Application PCT/CN05/0026 filed March 5, 2005.

The effective date of the claims described in this application is March 5, 2005.

#### ***Information Disclosure Statement***

The Applicant is respectfully reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56.

There were no information disclosure statements filed with this application.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-18 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 14-18 pertain to 'a *computer-readable medium*', which the Applicant Specifications (Pages 11-12) define as a carrier wave or data signals embodied in a carrier wave. The Examiner notes that said carrier wave or data signals embodied in a carrier wave are non-statutory subject matter. The Examiner notes that absent some physical context, a signal per se is an abstract idea in much the same way that a mathematical algorithm without context is an abstract idea.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-5,7-9,11-12, 14-15,17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedle (US Patent 6983334) further in view of Paek (US Publication 2005/0177625).

Riedle disclosed (re. Claim 1) a method comprising: receiving a request from a first client device to multicast a file as a plurality of packets of data from a server device to multiple client devices; (Riedle-Column 1 Lines 35-55) transmitting the plurality of packets of data from a server to the multiple client devices using a multicast trivial file transfer protocol (TFTP); (Riedle-Column 1 Lines 35-55)

While Riedle substantially disclosed the claimed invention Riedle did not disclose (re. claim 1) applying, by the server, one or more flow control techniques not defined by the multicast TFTP.

Paek disclosed (re. Claim 1) applying, by the server, one or more flow control techniques not defined by the multicast TFTP. (Paek-Figure 4, Paragraph 122)

Riedle and Paek are analogous art because they present concepts and practices regarding flow control using TFTP. At the time of the invention it would have been obvious to combine Paek into Riedle. The motivation for said combination would have been to enable a broadcasting function, which allows files to be transferred through

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broadcast when multiple clients simultaneously request file transmission to one server, resulting in a simple operation as compared to using multicast. (Paek-Paragraph 32)

Claim 8 (re. server) is rejected on the same basis as Claim 1.

Claim 14 (re. computer-readable media) is rejected on the same basis as Claim 1.

Claim 19 (re. system) is rejected on the same basis as Claim 1.

Riedle-Paek disclosed (re. Claim 2,9,15,20) delaying a start of the transmission of the plurality of packets. (Paek-Figure 4, Paragraph 122)

Riedle-Paek disclosed (re. Claim 4,11, 17,21) modifying quality of service based, at least in part, on resource conditions. (Riedle-Column 8 Lines 15-55)

Riedle-Paek disclosed (re. Claim 5,12) wherein modifying the quality of service comprises one or more of: modifying block size and modifying timeout length. (Riedle-

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Column 8 Lines 15-55, Paek-Paragraph 48)

Riedle-Paek disclosed (re. Claim 7) retransmitting a most recently transmitted packet in response to receiving an unexpected packet. (Riedle-Column 11 Lines 10-20)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,6, 10,13,16,18,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedle (US Patent 6983334) further in view of Paek (US Publication 2005/0177625) further in view of Xu (US Publication 2007/0198737 ).

While Riedle-Paek substantially disclosed the claimed invention Riedle-Paek did not disclose (re. Claim 3,10, 16) determining whether a request to download the file is a subject of an existing multicast download session; and causing the multiple client devices to join an existing multicast group corresponding to the existing multicast download session.

Xu disclosed (re. Claim 3,10, 16) determining whether a request to download the file is a subject of an existing multicast download session; and causing the multiple client devices to join an existing multicast group corresponding to the existing multicast download session. (Xu-Paragraph 15-16, Paragraph 89)

Riedle,Paek and Xu are analogous art because they present concepts and practices regarding flow control using multicasting protocols. At the time of the invention it would have been obvious to combine Xu into Riedle-Paek. The motivation for said combination would have been to enable conferencing data to be re-transmitted to a child computer system via uni-cast when it is indicated that a multi-cast packet is not received. (Xu-Paragraph 14)

Riedle-Paek-Xu disclosed (re. Claim 6,13,18,22) reducing a packet transmission rate. (Xu-Paragraph 99)

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.



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Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG BENGZON whose telephone number is (571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Bengzon/  
Examiner, Art Unit 2444